

YOUNG & THOMPSON

INTERNATIONAL PATENT LAW

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To: Examiner Krishnan
Group 1623
United States Patent and Trademark Office

Dear Examiner Krishnan:

Re: Amanda Johanne KILIAAN et al.
U.S. Patent Appln. 10/089,371
Filed July 16, 2002

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We respectfully request an interview in the present application.

In the outstanding Official Action, two rejections were imposed. Claims 9-15 were rejected under 35 USC §103(a) as being unpatentable over Alsop et al. in combination with Greenberg. Claim 16 was also rejected under 35 USC §103(a) as being unpatentable over Alsop et al. in combination with Greenberg.

As you are aware, Alsop et al. describe oral compositions containing dextrans wherein the dextran component and composition thereof are used to treat constipation and are also used as diet food products. While it is true that Alsop et al. describe the prevention of absorption of oligosaccharides (page 12, line 3), applicants respectfully submit that the mechanism disclosed by Alsop et al. is distinct from that of the claimed invention.

Applicants believe that Alsop et al. describe the use of a bulking agent which provides a composition with a high viscosity so as to promote the flow of material through the gastro-intestinal tract (page 4, lines 4-5). In other words, the prevention of calorie intake is made by increasing the viscosity and bulking of the luminal content.

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Applicants believe that this stands in contrast to the claimed invention which is concerned with a reduction of uptake of high molecular weight substances, allergens, and microorganisms through the intestinal walls, in particular through the tight junctions. This allows for the prevention and/or treatment of allergies, inflammatory processes and other disorders.

In order to more particularly point out these differences, applicants propose to combine claims 9 and 13 with the recitation that the effect is achieved by the regulation of the tight junction permeability. The proposed changes to claim 9 are transmitted immediately hereafter.

We look forward to discussing these changes with you at the interview.

Respectfully submitted,

YOUNG & THOMPSON

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9. (currently amended) A method of reducing the uptake of high molecular weight substances, allergens and microorganisms through the intestinal wall, comprising administering to a mammal in need thereof a nutritional composition containing at least one polysaccharide selected from the group consisting of dextrans having a molecular weight of 8 kD to 40,000 kD, hydrolysed glucomannans having a molecular weight of 0.5 kD to 1,000 kD and hydrolysed galactomannans other than guar gum or hydrolysed guar gum, having a molecular weight of 0.5 kD to 1,000 kD, the polysaccharide being present in the nutritional composition only in an amount to cause an increase in the viscosity of the nutritional composition which is less than 10mPa.s and wherein the uptake reduction occurs at the tight junctions of the intestinal wall.